

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Filed

10/19/21

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY:

DEPUTY

THE UNITED STATES OF AMERICA,

v.

CYRIL LARTIGUE,

Defendant.

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CRIMINAL NO. 1:20-CR-156-RP

DEFENDANT'S AGREEMENTS & OBJECTIONS TO GOVERNMENT'S EXHIBITS:
(SPONSORING WITNESS: REY ALATORRE)

| EXH. | DESCRIPTION | AGREEMENT/OBJECTION |
|------|---|---|
| 20 | Facebook post | No Objection |
| 21 | Cyril Lartigue's Twitter Account Information | No Objection |
| 22 | Communists E girl's account information | Objections: Hearsay; Relevance. This is not Mr. Lartigue nor his account. |
| 23 | Conversation over twitter between Lartigue and Communist E girl | Objection No. 1: Hearsay While Mr. Lartigue's statements are not hearsay under FRE 801(d)(2)(A), the other person's statements are hearsay. There are specific dangers of hearsay present in several statements: -("Yeah I wouldn't recommend doing that. I refrained from saying I plan to throw stuff at cops tomorrow in Tampa so they can't ever say I planned it or get me for gang violence or some dumb bs charges.") and -("I would save the Molotovs for now") that could be subject to improper argument. If denied, those statements should be redacted. |

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| | | <p>Objection No. 2: 401 and 403</p> <p>The government intends to introduce pictures of 2x4s in Mr. Lartigue's trunk. These were not brought to the protest nor seized. The probative effect is low as it does not make any element of the indictment more probable than not, and it creates a risk of unfair prejudice.</p> |
| 24 | Conversation over twitter between Lartigue and Communist E girl | <p>Objection: Hearsay</p> <p>While Mr. Lartigue's statements are not hearsay under FRE 801(d)(2)(A), the other person's statements are hearsay. There are specific dangers of hearsay present in several statements:</p> <p>-("Yeah I wouldn't recommend doing that. I refrained from saying I plan to throw stuff at cops tomorrow in Tampa so they can't ever say I planned it or get me for gang violence or some dumb bs charges.")</p> <p>-("I would save the Molotovs for now")</p> <p>that could be subject to improper argument. If denied, those statements should be redacted.</p> |
| 25 | Lartigue's twitter | No objection |
| 26 | Summary of twitter conversation | <p>Objection: Hearsay; 403</p> <p>(Same objections as in Exhibits 23-24)</p> |
| 27 | Twitter account certificate | No objection |
| 28 | Twitter account certificate | <p>Objection: Relevance</p> <p>Same objection as Exhibit 22 - this is not Mr. Lartigue's account</p> |
| 29 | Cell phone video | <p>Objection: 4th Amendment; United States v. Jones, 239 F.3d 233, 236 (5th Cir. 2006)</p> <p>In furtherance of Defendant's Motion to Suppress (Dkt. 43) which the Court denied (Dkt. 58), Mr. Lartigue renews his motion to suppress evidence and objects to the introduction of all evidence seized from the warrantless search.</p> |

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| 30 | Cell phone video | Objection: 4th Amendment; United States v. Jones, 239 F.3d 233, 236 (5th Cir. 2006) |
| 31 | Cell phone photo | Objection: 4th Amendment; United States v. Jones, 239 F.3d 233, 236 (5th Cir. 2006) |
| 32 | Cell phone photo - trunk (2x4s) | Objection No. 1: 4th Amendment; United States v. Jones, 239 F.3d 233, 236 (5th Cir. 2006) Objection No. 2: 401 & 403 (See discussion above regarding photographs of clubs in objection to Exhibit 23) |
| 33 | Cell phone photo | Objection: 4th Amendment; United States v. Jones, 239 F.3d 233, 236 (5th Cir. 2006) |
| 34 | Text message conversation (with photos) | Objection No. 1: 4th Amendment; United States v. Jones, 239 F.3d 233, 236 (5th Cir. 2006) Objection No. 2: 401 & 403 (See discussion above regarding photographs of clubs in objection to Exhibit 23) |
| 35 | Cell phone search history | Objection: 4th Amendment; United States v. Jones, 239 F.3d 233, 236 (5th Cir. 2006) |
| 36 | Text message conversation (with photos) | Objection No. 1: 4th Amendment; United States v. Jones, 239 F.3d 233, 236 (5th Cir. 2006) Objection No. 2: 401 & 403 (See discussion above regarding photographs of clubs in objection to Exhibit 23) |
| 39 | Facebook certificate | No objection |
| 40 | Instagram post | No objection |
| 41 | NFA Certificate | Objection No. 1: Hearsay This is the out of court statement of Jason S. Bowers. Objection No. 2: Confrontation Clause; <i>Melendez-Diaz v. Massachusetts</i>, 557 US 305 (2009) |

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| 59 - 63 | Printouts of webpages on Molotov cocktails | <p>Objection No. 1: 403 The Court's charge will instruct the jury on the law; this series of exhibits is precisely why Rule 403 exists: these exhibits will confuse the issues, mislead the jury, and potentially shift the jury's inquiry from the Court's instructions as the authority for the law to instead used the Internet (and Wikipedia).</p> <p>The probative value – that Mr. Lartigue conducted searches – can be achieved through Exh. 35. Exhibits 59-63 fail Rule 403's balancing test as a result.</p> <p>Objection No. 2: 4th Amendment; United States v. Jones, 239 F.3d 233, 236 (5th Cir. 2006) This exhibit and the others that follow are fruits from the search of Mr. Lartigue's backpack and phone.</p> <p>Objection No. 3: Hearsay under FRE 802</p> <p>Objection No. 4: Authenticity</p> |
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Respectfully submitted,

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CERTIFICATE OF SERVICE

By my signature below, I do hereby certify that October 19, 2021, a true and correct copy of the foregoing Defendant's Objections was hand delivered to:

Keith M. Henneke
ASSISTANT UNITED STATES ATTORNEY

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ASSISTANT UNITED STATES ATTORNEY

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